

Malibu City Council
Amended¹ Regular Meeting Agenda

Monday, August 13, 2001

5:00 P.M. - CLOSED SESSION
City Hall - Large Conference Room
23555 Civic Center Way

6:30 P.M. - REGULAR CITY COUNCIL MEETING
HRL Auditorium
3011 Malibu Canyon Road

Five p.m. Closed Session

This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Sections 54956.9(a) and 54956.8. The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.

Existing litigation per Government Code Section 54956.9 (a):

1. Gibbs v. City of Malibu
Los Angeles County Superior Court Case No. BS0593621
2. Lavine v. City of Malibu
Los Angeles County Superior Court Case No. SS 008071
3. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
4. Malibu Township Council v. City of Malibu, et al.
Los Angeles County Superior Court Case No. SC067214
- 4.b. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BC255025

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

5. Property: Tract No. 46964 (5 lots)
City Negotiator: City Attorney
Property Negotiator: D.L. Malibu, Inc.

¹ See new Closed Session Agenda Item No. 4.b., new Item No. 7.D., renumbered Item No. 7.E., and new Item No. 7.F.

6. Property located at: 24200 Pacific Coast Highway
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Crummer Foundation and Trust
7. Property located at: 3700 La Paz Lane
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Malibu La Paz Ranch
8. Property located at: 3705 Cross Creek
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Shultz Jack & Pearl Family LTD Partnership
9. Property located at: Civic Center Way lot APN#4458-022-019
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Malibu Residential Housing & H Group
10. Property located at: 23801 Stuart Ranch Road
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Yamaguchi Tokiye Trust
11. Property located at: 3542 Coast View Drive
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Wave Property Inc.
12. Property located at: 23833 Stuart Ranch Road
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Yamaguchi Tokiye Trust
13. Property located at: 23401 Civic Center Way
City Negotiator: Council Ad Hoc Committee
Property Negotiator: Shultz Jack & Pearl Family LTD Partnership

Six-thirty p.m. **Regular Session**

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - August 3, 2001

1. Ceremonial/Presentations

- A. Presentation by Doug O'Brien on ballfield design
- B. Swearing in of Malibu Trails Master Plan Committee Member

- C. Presentation of Malibu Tile to Marti Witter for her service as City Biologist
- D. Report on Clean Beach Initiatives \$2 million Grant for Stormwater Runoff Treatment Facilities

2. Written and Oral Communications from the Public

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

3. Consent Calendar

A. Previously Discussed Items

- 1. Second Reading and Adoption of Ordinance No. 227, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING MUNICIPAL CODE ARTICLE III, CHAPTER EIGHT, SECTION 3.8.06, APPOINTING THE PUBLIC WORKS DIRECTOR AS THE FLOODPLAIN ADMINISTRATOR

Staff recommendation: Conduct the second reading and adopt Ordinance No. 227.

As the Engineering Services Department and Public Works Department have recently reorganized their functions, it is necessary to reassign the responsibilities as Floodplain Administrator to the Public Works Director.

B. New Items

- 1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin 456-2489 ext. 228

2. Approve warrants

Staff recommendation: To allow and approve warrant demand numbers 17047 through 17161 listed on the attached register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 239 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$792,687.28.

Staff contact: Administrative Services Director James 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: Acting City Manager Lichtig 456-2489 ext. 226

As a result of the rainstorms in early March, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

4. Approval of Minutes

Staff recommendation: Approve City Council meeting minutes of April 25, 2001.

Staff contact: City Clerk Pope 456-2489 ext. 228

5. Pavement Management System Professional Services Agreement

Staff recommendation: Award a contract to Nichols Consulting Engineers, Chtd. of Huntington Beach, California in the amount not to exceed \$31,138 (base contract of \$29,655 plus a 5% contingency) for installing, updating, training staff and operating the City's Pavement Management System.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

6. Renewal of Corridor Staffing Cost Sharing Agreement

Staff recommendation: Approve the agreement and authorize the City Manager and City Attorney to execute the agreement on behalf of the City.

Staff contact: City Clerk Pope 456-2489 ext. 228

7. Request of Malibu Optimist Club for City Council Concurrence to Paint the Point Dume Nature Shuttle

Staff recommendation: Consider a request from the Malibu Optimist Club to have the Point Dume Nature Shuttle Bus painted by the Malibu High School art classes.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

8. Approval for Las Flores Park Advisory Committee to organize and implement fundraising activities in support of the current park development project.

Staff recommendation: Authorize members of the Las Flores Park Advisory Committee and City staff to organize and implement fundraising efforts to provide funding for the proposed Las Flores Park project currently under design.

Staff contact: Parks and Recreation Director Adams 317-1364

9. Completion of Pacific Coast Highway Underground Utility District No. 1

Staff recommendation: Authorize the Acting City Manager to instruct Southern California Edison (SCE), Verizon Telephone Company, and Charter Communications TV Cable to construct underground utility service connections for property owners in order to complete the work for the Pacific Coast Highway Underground Utility District No. 1.

Staff contact: City Engineer Morgan 456-2489 ext. 247

Council to consider directing the utility companies to complete the underground utility conversions on private property to complete the project and allow the removal of the overhead wires and wooden poles.

10. Request for Proposal (RFP) for City Biologist

Staff recommendation: Approve the Request for Proposal for biology review services and direct staff to send the RFP to qualified firms or individuals.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This item authorizes staff to distribute a Request for Proposal (RFP) for biology review services to firms or individuals with expertise in biology.

11. Adopt Resolution No. 01-44, amending Resolution No. 99-04 by eliminating all references to cost of living adjustments in the employee evaluation system.

Staff recommendation: Adopt Resolution No. 01-44, amending Resolution No. 99-04 by deleting references to the Cost of Living Adjustment from the employee performance appraisal process.

Staff contact: Administrative Services Director James 456-2489 ext. 224

4. Ordinances and Public Hearings

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

- A. 2001 Congestion Management Program - Compliance with the Congestion Management Program and the adoption of the 2001 Local Implementation Report.

Staff recommendation: Adopt Resolution No. 01-43, finding the City in conformance with the Congestion Management Program.

Staff contact: Planning Director Hogan 456-2489 ext. 234

The City of Malibu has completed its 2001 Local Implementation Report (LIR) for the Congestion Management Program (CMP). The CMP report outlines the strategies that the City plans to implement in order to offset additional traffic caused by new residential and commercial developments. Debit points are assigned to new developments and credit points are given for new strategies that offset traffic increase. If the City fails to maintain its credit points, the state controller may withhold a portion of the City's state gas tax. The City has a balance of 1,012 credit points.

- B. Assessment District 98-1 (Big Rock Mesa) - Continuation of Public Hearing from July 23, 2001

Staff recommendation: Adopt Resolution No. 01-39 ordering collection of Contingent Assessment No. 031 and correction of amounts collected in 1999-2000 for Contingent Assessment Nos. 181 and 198, allowing a five-year payoff plan without interest; and a refund of "over-payment" for Contingent Assessment No. 256.

Staff contact: City Engineer Morgan 456-2489 ext. 247

Adoption of this resolution orders the collection of two and refund of one contingent assessments in the Big Rock Mesa Assessment District.

- C. Resolutions for Appeal No. 01-002 - An application to construct a new single-family residence located at 32804 Pacific Coast Highway (Kempin)

Staff recommendation: Adopt Resolution Nos. 01-15 (A-F), which reflect City Council actions from July 23, 2001.

Staff contact: Planning Director Hogan 456-2489 ext. 234

This is an appeal of the Planning Commission denial of an application for a single family residence with an increase in height and variance from certain setback requirements. The applicant has made some adjustments to the proposal and appeals the Commission's denial. This item presents the revised resolutions incorporating changes to conditions of approval as directed by City Council.

5. Old Business

- A. Report on Priorities and Recommended Timeline for Implementation of the City of Malibu, Parks & Recreation Master Plan

Staff recommendation: The Parks & Recreation Commission recommends that the City Council the attached report on Master Plan Priorities and approve the eight recommended action steps.

Staff contact: Parks and Recreation Director Adams 317-1364

- B. Proposed Criteria regarding Residential Drug Rehabilitation Facilities (Group Homes)

Staff recommendation: Direct staff to prepare a letter for the Mayor's signature forwarding the suggested criteria to State legislators.

Staff contact: Planning Director Hogan 456-2489 ext. 234

6. New Business

- A. Malibu Road Parking

Staff recommendation: Approve the placement of parking regulations prohibiting parking from 2 a.m. to 5 a.m. daily on Malibu Road and direct Staff to prepare ordinances establishing permit parking for Malibu Road and establishing the prohibition of sleeping and camping in vehicles on public streets City-wide.

Staff contact: Public Works Director Bergson 456-2489 ext. 225

B. Preliminary Year-End Financial Report and recommended Budget Appropriations and Fund Transfers

Staff recommendation: Approve recommended budget appropriations and fund transfers for Fiscal Year ended June 30, 2001.

Staff contact: Administrative Service Director James 456-2489 ext. 224

This report provides revenue and expenditure totals for Fiscal Year 2000-2001 and seeks approval of budget adjustments and fund transfers.

7. Councilmember Items

A. Consideration of Presentation of Malibu Tile to Legrand Lewis Jordan in recognition of his 100th Birthday

Recommendation: Determine whether to present a Malibu Tile to Legrand Lewis Jordan in recognition of his 100th Birthday.

Mayor House requested this item be placed on the agenda for Council consideration of whether the City should present a Malibu Tile to Mr. Jordan. City Council Policy regarding awards and commendations requires a majority of the Council to approve award of a Malibu Tile.

B. Interim Appointment by Councilmember Hasse to the Malibu Trails Master Plan Advisory Committee

Recommendation: Councilmember Hasse to make an interim appointment to the Trails Master Plan Advisory Committee.

Councilmember Hasse's appointment, Edward Vaill, tendered his resignation. The Council may fill the unscheduled vacancy with an interim appointment and make the permanent appointment at the next Council meeting.

C. Consideration of amending Filming Procedures to Prohibit Filming on Sundays

Recommendation: Direct staff as deemed necessary.

Mayor House requested this item be agendaized to discuss possible prohibition of filming on Sundays.

D. Possible Postponement of Bond Ballot Measure from November 2001 Special Election until April 2002 General Municipal Election (Councilmember Hasse)

E. Bond Measure Letter Designation

Recommendation: Direct staff as deemed appropriate.

Mayor House and Councilmember Kearsley requested this item be agendaized to discuss requesting a letter designation for the November Bond Measure. The County will consider requests for a specific letter for the City's bond measure received by August 15, 2001.

F. Consider and Approve a Ballot Argument in Favor of Bond Measure Submitted to Voters at the Consolidated Election to be Held November 6, 2001

Previously, the City Council approved a resolution authorizing the five Councilmembers to sign a ballot argument in favor of the \$15 million bond measure to be submitted to the voters at the election to be held November 6, 2001. The Council delegated the task of preparing a draft argument to Councilmember Barovsky. This item enables City Council to review the draft argument, make any revisions the Council desires and approve the argument for signature by each Councilmember and submittal to the City Clerk. The signed argument must be submitted to the City Clerk by August 20, 2001.

Adjournment

Future Meetings

Mon., August 27, 2001	Cancelled	Regular City Council Meeting	HRL Auditorium
Mon., September 10, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium
Mon., September 24, 2001	6:30 p.m.	Regular City Council Meeting	HRL Auditorium

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is

limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision. **Items in New Business** are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any

item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired on City of Malibu Government Access Channel 15. Broadcasts on Channel 15 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23555 Civic Center Way, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]